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Congress of the United States

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October 8, 1999

BY FACSIMILE

The Honorable Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Administrator Browner:

I am concerned about the process being followed by the Environmental Protection Agency (EPA) for its proposed major rule to limit emissions of heavy duty engines. EPA issued a press release about this proposed rule on October 6, 1999, which resulted in a story in the October 7th Washington Post. However, this proposed rule has not yet been published in the Federal Register. The Office of Management and Budget's (OMB) website reveals that, under Executive Order 12866, OMB did not review this proposed rule in the last 30 days. Does the version already posted on EPA's website reflect comments by OMB and edits by the Office of the Federal Register (OFR)? If not, why not?

EPA's website version reveals that EPA is intending to have a 30-day only public comment period instead of the usual 60-day or 90-day public comment period for proposed major rules, and that EPA is intending to hold only one public hearing. Given the importance, expense and sheer complexity of the proposal to limit emissions from all heavy duty engines, I believe that both the comment period and number of hearings are insufficient and unacceptable.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) details about the timing of the OMB and OFR review processes for this proposed major rule, including when each review began and concluded, and (b) EPA's reasons for limiting public review and comment for this proposed major rule. Please provide a written response by noon, Monday, October 18, 1999.

If you have any questions about this request, please call Professional Staff Member Joel Bucher at (202) 225-4407.

Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. McIntosh". The signature is fluid and cursive, with the first name "David" being the most prominent.

David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich